



September 18, 2018

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Accelerating Wireless Broadband Deployment by Removing Barriers
to Infrastructure Investment, WC Docket No. 17-79; Accelerating
Wireless Broadband Deployment by Removing Barriers to Infrastructure
Investment, WC Docket No. 17-84

Dear Ms. Dortch:

The City of McKinney, Texas, writes to express its serious concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

We share the Commission's goal of ensuring that cutting-edge broadband services be made available to everyone. However, we remain deeply concerned with several provisions of the Commission's proposal. Local governments have an important responsibility to protect the health, safety, and welfare of residents and we are concerned that the Commission's measures compromise that traditional authority and may impose unnecessary burdens on communities that make infrastructure available for wireless services.

1. The FCC's Proposed Collocation Shot Clock Category Is Too Limited.

The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for a new expedited 60-day shot clock. The

addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more time to review the facts and the impacts than the FCC has allowed in its proposal. When paired with the FCC's previous decision exempting wireless facilities from Federal historic and environmental review, the new rule places an unreasonable time limit on local governments' obligation to prevent harm to historic preservation, the environment and public safety.

2. The FCC's Proposed Definition of "Effective Prohibition" Is Overly Broad.

The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, the proposed definition of "effective prohibition" opens local government to the likelihood of more, not less, conflict and litigation over important requirements for aesthetics, spacing, and undergrounding.

3. The FCC's Proposed Recurring Fee Structure Is An Unreasonable Overreach That Will Harm Local Policies Designed to Ensure Access to Broadband Services.

We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the Federal government's goal of ensuring affordable broadband access for everyone, regardless of their income level or address. That is why many cities have worked to negotiate fair, comprehensive agreements with wireless providers that may exceed the \$270 limit or provide additional benefits to the community. Moreover, since the Commission has moved away from rate regulation on companies in recent years, it is inconsistent and unfair to reinstitute rate regulation in the form of these restrictions on local governments.

The City of McKinney has worked, and continues to work, with the telecommunications industry to build the best broadband infrastructure possible for our residents. We oppose this effort to restrict local authority and stymie local innovation. Accordingly, we urge you to oppose this Declaratory Ruling and Third Report and Order.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "P. Grimes", with a long horizontal line extending to the right.

Paul Grimes
City Manager